



1990 NORTH CALIFORNIA BLVD.
SUITE 940
WALNUT CREEK, CA 94596
www.bursor.com

L. TIMOTHY FISHER
SARAH N. WESTCOT
Tel: 925.300.4455
Fax: 925.407.2700
ltfisher@bursor.com
swestcot@bursor.com

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VIA ELECTRONIC FILING

Hon. Joseph C. Spero
United States Magistrate Judge
United States District Court
Northern District of California

Re: *Facebook, Inc. v. Power Ventures, Inc., et al.*; Case No. 5:08-cv-05780 (JW)

Dear Magistrate Judge Spero:

Judge Ware's order granting summary judgment in favor of Facebook on February 16, 2012 eliminates the need for a hearing on the discovery matters raised in the joint letters submitted by the parties on January 26.

The joint letters raise three issues. First, Facebook seeks an order precluding defendants from calling any Brazilian witnesses at trial. Judge Ware's order moots that issue as there will be no trial in the case.

Second, Facebook seeks an order permitting it to re-take the deposition of Power Ventures, Inc. pursuant to Fed.R.Civ.P. 30(b)(6). That deposition is completely unnecessary in light of Judge Ware's order granting summary judgment in favor of Facebook. Mr. Vachani has already testified extensively regarding his personal involvement in the issues in this litigation. *See* 7/20/11 Deposition of Steve Vachani and 1/9/12 30(b)(6) Deposition of Power Ventures, Inc. Moreover, the spoliation issue raised by Facebook in its letter from earlier today was not the subject of any of the discovery dispute letters submitted by the parties on January 26 and is not properly before this Court.

Finally, Facebook seeks an order requiring defendants to produce their email server to Facebook. Defendants produced their email server to Facebook on January 25, 2012. Moreover, Judge Ware's order eliminates the need for Facebook to gather any additional evidence in support of its claims.

Defendants respectfully request that the Court vacate the February 24 hearing as the issues raised in the January 26 joint discovery dispute letters are now moot.

Respectfully submitted,

/s/ L. Timothy Fisher

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